Measure It or Manage in the Dark: Practical Methods for Measuring Program Effectiveness

Presented by

Shelley H. Metzenbaum, Executive Director, Environmental Compliance Consortium **Les Carlough**, Senior Policy Advisor, Office of Compliance and Enforcement, NW Region, Oregon Department of Environmental Quality

Bernard Penner, Enforcement and Compliance Coordinator, Maryland Department of the Environment

Presented at

National Compliance Assistance Providers Forum
December 3-6, 2002
San Antonio, Texas

Cosponsored by

U.S. Environmental Protection Agency and Texas Commission on Environmental Quality

Disclaimer

U.S. Environmental Protection Agency (U.S. EPA) solicited from compliance assistance providers presentations aimed at sharing expertise, building skills and networking. The following presentation is intended as a resource for providing assistance regarding compliance with environmental regulations. U.S. EPA neither endorses nor assumes responsibility for the accuracy and completeness of non-EPA materials contained herein. EPA does not necessarily endorse the policies or views of the presenters, and does not endorse the purchase or sale of any commercial services or products mentioned in this presentation.

Practical Environmental Performance Measurement



www.complianceconsortium.org

Bernard Penner (MD)

Les Carlough (OR)

Shelley H. Metzenbaum (ECC) smetzenbaum@aics.net

The Response COMPASS

Facilities More Knowledgeable

Traditional Enforcement

Increasing

•Crim. Actions

Non-

•Civil Actions

Compliance •Penalties

Enforcement Discretion

Greater Risk

- Administrative **Actions**
- •Citations/ Warnings
- Compliance Assistance

Superior Performance

- •Rewards / Incentives
- **Beyond** •Voluntary Programs_ Compliance
- Performance Assistance

Education and Assistance

- •Public Education
- Sectoral Outreach
- •Facility Technical Assistance

Facilities Less Knowledgeable



Less Risk

Reporting Compliance Rates With Greater Clarity

Compliance Rate for Compliance Monitoring Actions

State:		
Program Area:	ARMA	
Time Period	1999	
Is the time period the		
same for all data?	Yes	

Gray highlights columns that are calculated and are not changed by the user.

	ACTIVITIES	3					RESULTS							
	Monitoring F	Program		Regulated Co		All Violation	ns		Significant Violations					
column 1	column 2*	column 3	column 4	column 5	column 6	column 7	column 8*	column 9	column 10	column 11*	column 12	column 13		
Sector, facility type or program focus	Number of Compliance Monitoring Actions (CMA)		Methodology	facilities with	No. of facilities in each category	Percent of monitored facilities:		total number of	monitored facilities:	No. of facilities w/ significant violations	total number of significant violations	Significant Violation Non- compliance rate (%): Col 11/Col 5		
	` '	TROUGHT TO THE CONTRACT	101 01111	474	<u> </u>					F	violationo			
Air Quality - High Impact	1,655			474	574	82.58			96.41	5		1.05		
Air Quality - Low Impact	3,402			661	9,998	6.61	3		99.55	0		0.00		
Radiation Machines	3,005			1,370	4,720	29.03	706		48.47	100		7.30		
Radioactive Materials	328			328	982	33.40	92		71.95	8		2.44		



Reporting Compliance Rates (1)

	ACTIVITIES								
	Monitoring P	rogram							
column 1	column 2* Number of Compliance Monitoring	column 3	column 4						
Sector, facility type or program focus	Actions (CMA)	Reason for CMA**	Methodolog y for CMA**						
Air Quality - High Impact	1,655								
Air Quality - Low Impact	3,402								
Radiation Machines	3,005								
Radioactive Materials	328								

Reasons and Methodology

Reasons	Methodology
Suspected Problem	Whole Universe
Correction Check-Up	Random sample, statistical
Complaint Driven	Other subset of universe
Regularly Scheduled	
Geographic	Announced/Unannounced
Critical Environmental Area/Sensitive Ecosystem	and to Protect on the

Compliance Consortium

Reporting Compliance Rates (2)

	Regulated Con	nmunity	
column 1	column 5	column 6	column 7
Sector, facility type or program focus	No. of facilities with CMAs conducted	No. of facilities in each category	Percent of monitored facilities: Col 5/Col 6
Air Quality - High Impact	474	574	82.58
Air Quality - Low Impact	661	9,998	6.61
Radiation Machines	1,370	4,720	29.03
Radioactive Materials	328	982	33.40



Reporting Compliance Rates (3)

	RESULTS		
	All Violations	3	
column 1	column 8*	column 9	column 10
Sector, facility type or program focus	No. of facilities with violations	total number of violations	compliance rate (%) for monitored facilities: Col 8/Col 5
Air Quality - High Impact	17		96.41
Air Quality - Low Impact	3		99.55
Radiation Machines	706		48.47
Radioactive Materials	92		71.95

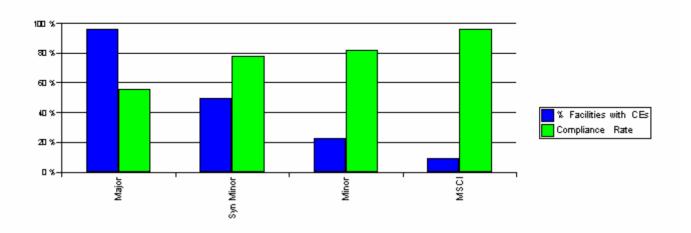


Reporting Compliance Rates (4)

	Significant Vi	olations	
column 1	column 11*	column 12	column 13
Sector, facility type or program focus	No. of facilities w/ significant violations	total number of significant violations	Significant Violation Non- compliance rate (%): Col 11/Col 5
Air Quality - High Impact	5		1.05
Air Quality - Low Impact	0		0.00
Radiation Machines	100		7.30
Radioactive Materials	8		2.44



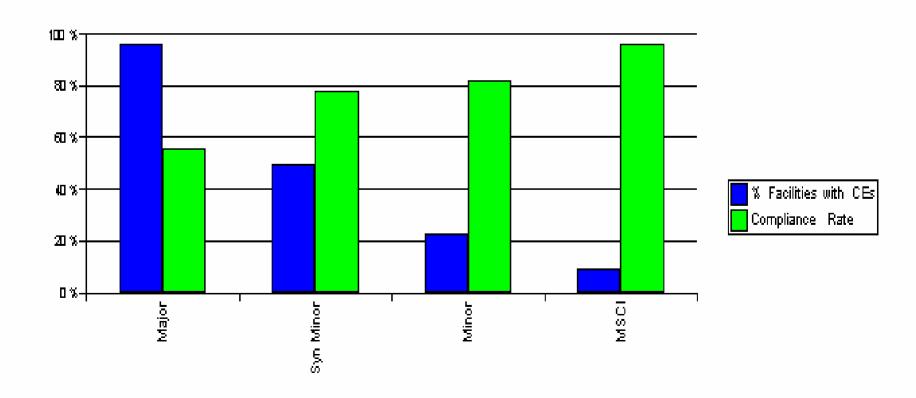
New Jersey Department of Environmental Protection - DRAFT -Compliance Rate for Air Program Based on Inspections Conducted in 2002



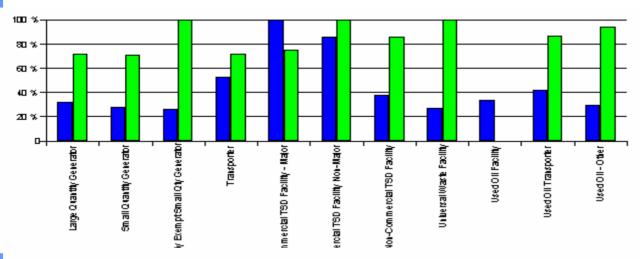
Facility Size	Compliance Evaluations	Facilities with CEs	All Facilites	% Facilities with CEs	Facilities with violations	Violations	Compliance Rate	Facilities with High Priority Violations	High Priority Violation Non-Compliance Rate
Major	1,904	380	396	96.0 %	169	1,408	55.5 %	29	7.6 %
Syn Minor	709	479	968	49.5 %	106	443	77.9 %	2	0.4 %
Minor	905	914	4,081	22.4 %	165	631	81.9 %	2	0.2 %
MSCI	505	1,210	13,484	9.0 %	47	99	96.1 %		

NJ DEP CR Air - DRAFT '02

New Jersey Department of Environmental Protection - DRAFT - Compliance Rate for Air Program Based on Inspections Conducted in 2002



NJ DEP Comp. Rate for Haz. Waste DRAFT CY2002



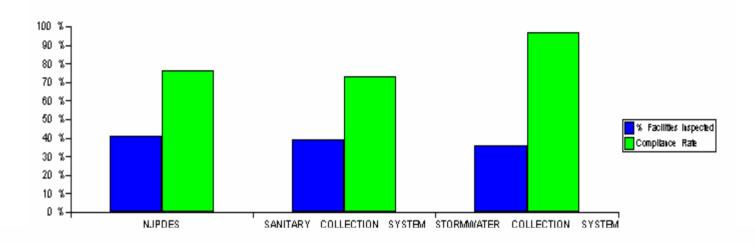
% Facilities with CEs
Compilance Rate

Compliance Consortium

Hazardous Waste Facility Category	Compliance Evaluations			% of Facilities Inspected	Facilities with Violations	# of Violations	Compliance Rate	Facilities with High Priority Violations	High Priority Violation Non-Compli ance Rate
Large Quantity Generator	147	129	400	32 %	37	134	71 %	0	
Small Quantity Generator	133	126	456	28 %	37	112	71 %	0	
Conditionally Exempt Small Oty Generator	187	187	709	26 %			100 %	0	
Transporter	199	74	141	52 %	21	42	72 %	0	
Commercial TSD Facility - Major	163	4	4	100 %		2	75 %	0	
Commercial TSD Facility Non-Major	67	6	7	86 %			100 %	0	
Non-Commercial TSD Facility	22	21	56	38 %	3	- 6	86 %	0	
Universal Waste Facility	9	9	33	27 %			100 %	0	

Hazardous Waste Facility Category	Compliance Evaluations			% of Facilities Inspected	Facilities with Violations	# of Violations	Compliance Rate	Priority	High Priority Violation Non-Compli ance Bate
Used Oil Facility	20	2	6	33 %	2	2	0%	0	
Used Oil Transporter	61	15	36	42 %	2	2	87 %	0	
Used Oil - Other	196	181	614	29 %	11	13	94 %	0	

NJ DEP Comp. Rate Water Quality – DRAFT CY 2002



Water Quality PI Type			All Facilities	% of Facilities Inspected	Facilities with Violations	# of Violations	R STE		Serious Violation Non-Compliance Rate
NJPDES	2,059	1,830	4,481	41 %	430	1,770	77 %	1	0.02 %
SANITARY COLLECTION SYSTEM	161	133	341	39 %	36	157	73 %	0	0 %
STORMWATER COLLECTION SYSTEM	36	33	92	36 %	1	6	97 %	0	0.2

NJ Comp. Rates by SIC in Air Program 2002-- DRAFT

SIC Description	SIC	Compliance Evaluations			% Facilities with CEs	}	unith		Compliance Rate	Facilities with High Priority Violations	V Non omp e
Bectric and Other Services Combined	4931	[17	12	ů Q	100.0	¥ k	8	26	33 %	1	17 %
Gypsum Products	3275	8	ì	ŷ	100:0	Y N	1	4	33 %		33 %
Special Warehousing and Storage, NEC	4228	34	5		100.0	9 }	3	15	40 %	2	40 %
Sewerage Systems	4952	77	51	13	92.3	X	7	57	42 %		
Petroleum Refining	2911	272	12	7	100,0	8	7	463	42 %	5	42 %
Colleges, Universities, and Professional	8221	43	7	ě.	87.5	X	4	25	43 %		
Industrial Organic Chemicals, NEC	2869	80	19	17	100,0	8	10	51	47 %		5 %
Converted Paper Products, NEC	2649	2	2		66.7	W W	1	8	50 %		
Industrial Inorganic Chemicals, NEC	2819	18	6	,	85.7	¥	3	13	50 %	,	17 %

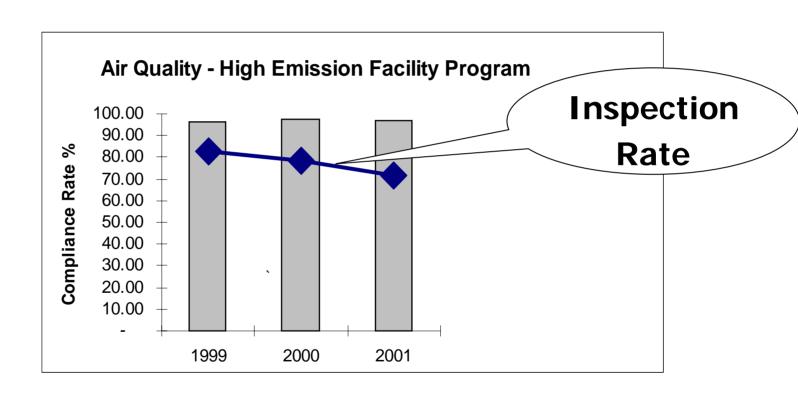


New Jersey Department of Environmental Protection - DRAFT - Compliance Rate for Facilities that have not applied for a new permit or modification since July 1997

Facility Size	Compliance Evaluations	Facilities with Compliance Evaluations	Total Facilities	% of Facilities where Comp Evals Conducted	Facilities with Violations	Violations	Compliance Rate for Facilities with Compliance Evaluations
Major	57	11	23	48 %	5	20	54.5 %
Synthetic Minor	75	32	108	30 %	9	16	71.9 %
Minor	154	59	893	7 %	19	71	67.8 %
Total	286	102	1,024	10 %	33	107	67.6 %

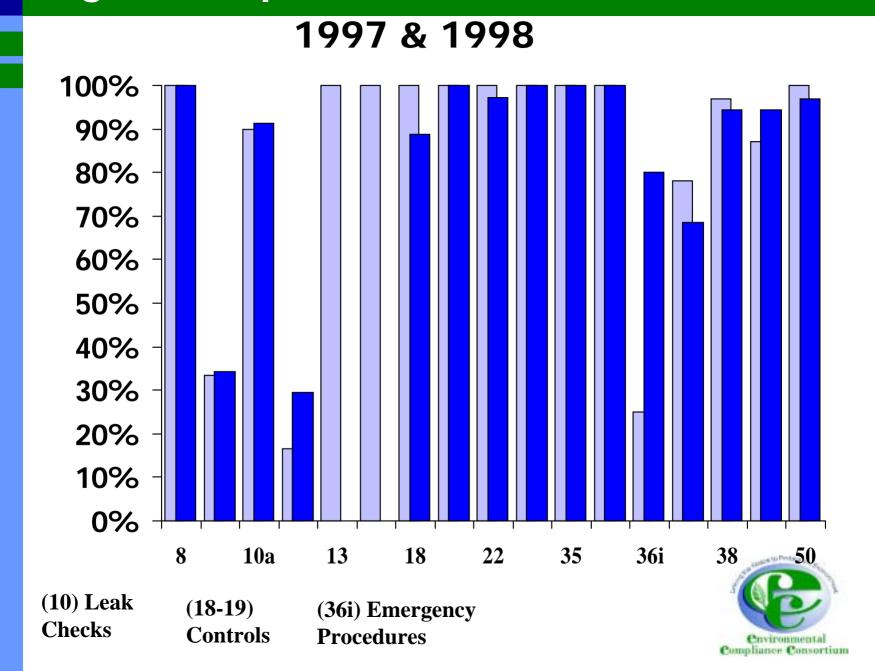


Multi-year Performance Trends





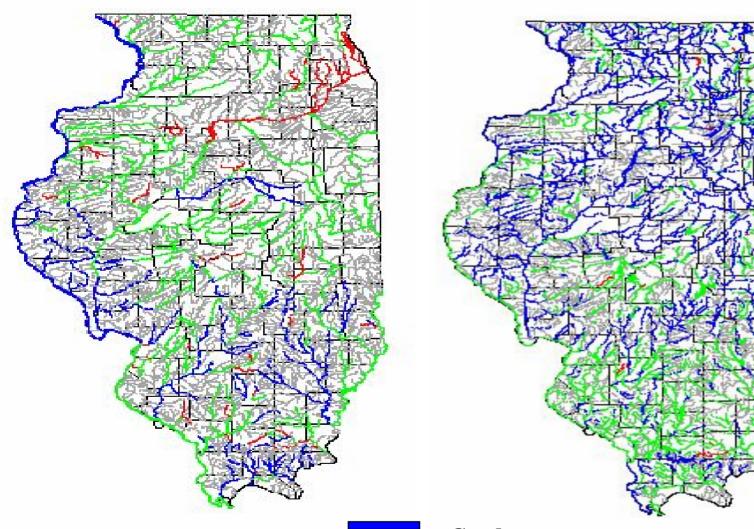
Learning from Experience: MA ERP Self-Audit Data



UNDITION OF ILLINOIS RIVERS AND STREAMS

1992

2000

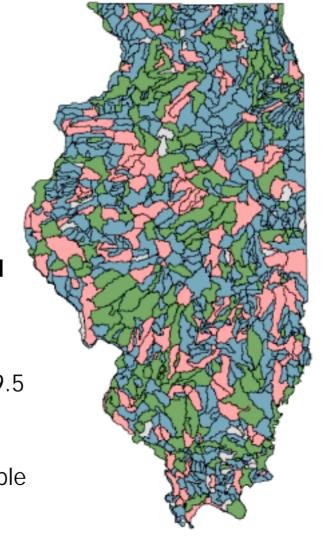


Good Fair Poor Unassessed



Figure 20 - Compliance Information by Watershed

Percent Compliant Load By Watershed



Percent compliant load is based on available 2000 Discharge Monitoring Report data for all permitted facilities.

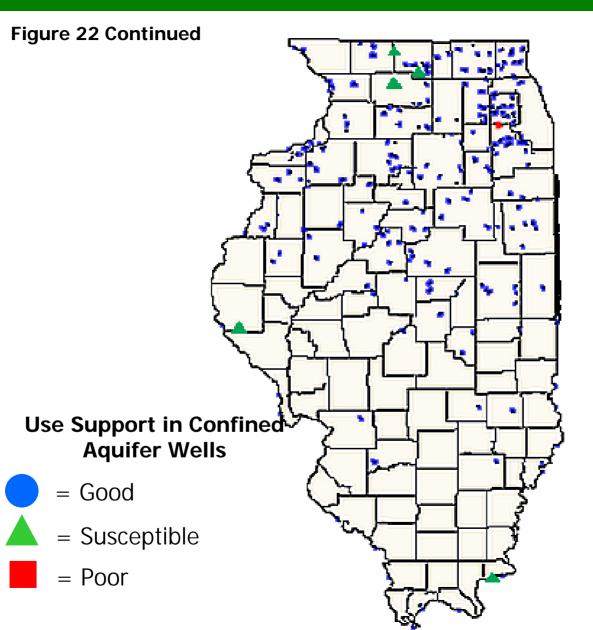
Percent Compliant Load





Data Unavailable



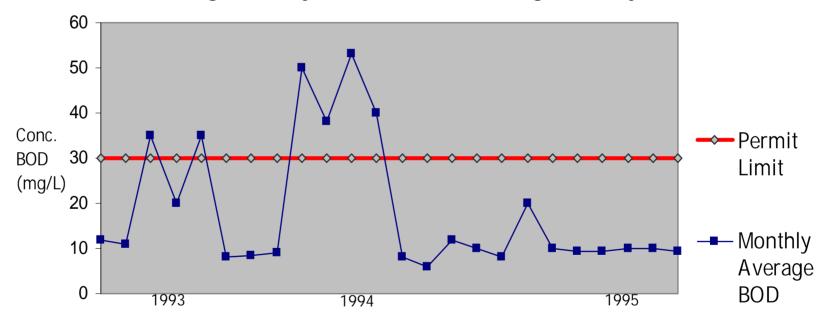


Mapping links compliance information and human exposure.



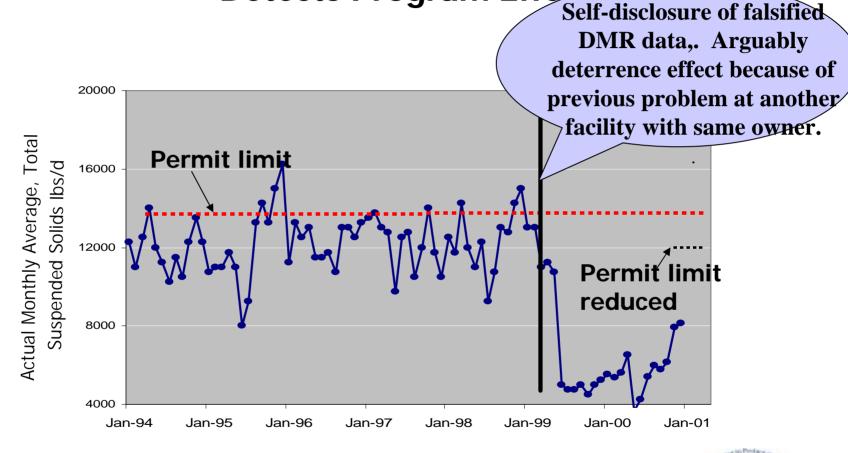
Identifying Best and Worst Performers and Assessing Non-Compliance

Average Monthly Effluent BOD for a Single Facility



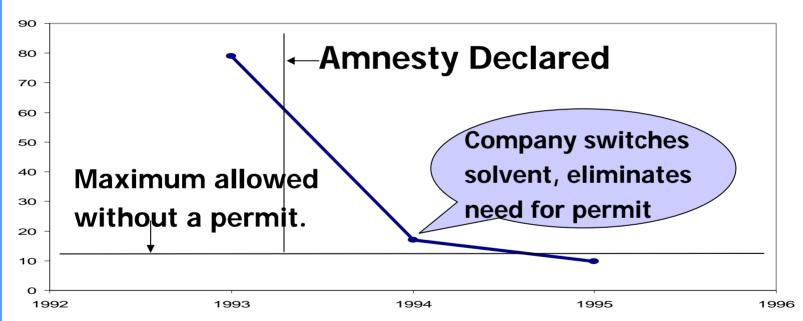


Tracking Facility-Specific Perf. and Agency Action Detects Program Effect



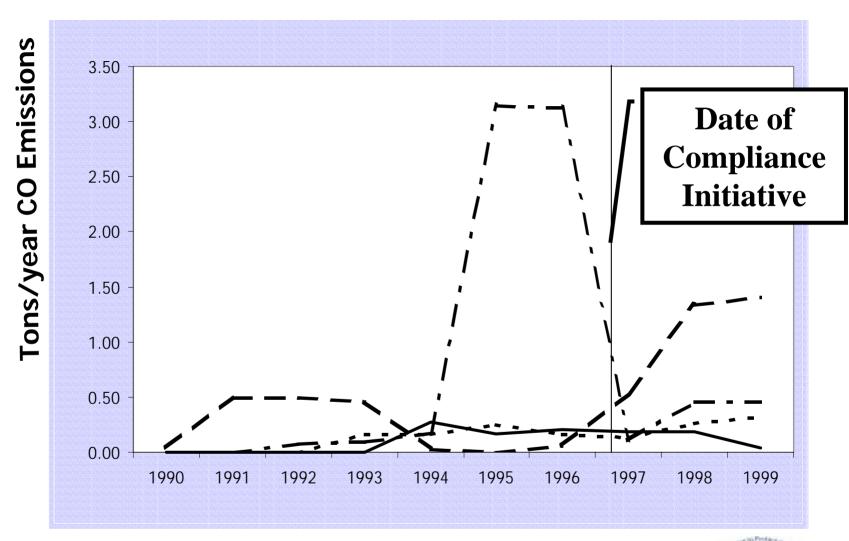


Effect of an Agency Action Combining Trend Data with Dates of Agency Actions





Emissions Before and After Agency Action





Outcome-focused Goals and Measures ...

- Improve Outcomes
 - Motivate
 - Find Problems
 - Find Solutions
- Strengthen Democracy



Time and Place-Specific Goal

- Where: Lower Charles River
- When: 10 years
- How much: Swimmable

Monthly Measures -- 37 locations on river



Charles River in Boston

- Swimmable 19 percent of time in 1995 cf. to 69 percent in 2001
- Boatable 39 percent in 1995 cf. to
 87 percent of time in 2001



Highly Visible Goal and Measurement

Invite media attention

- Head of the Charles Regatta
- 300 K spectators
- Front page story

Annual report card

- Earth Day -- Predictable
- News window
- Easy to understand



Diagnostic Measurement:

When and Where problems arise

Description	Town	River Mile	2/15/00	3/21/00	5/16/00	6/20/00
Central Street Bridge	Milford	3.5	1100	380	120	240
Discharge Pipe @	Milford	3.5	1470	2100	3400	3000
Central Street						
2d Discharge Pipe @	Milford	3.5		<10	260	840
Central Street						
Mellen St. Bridge	Bellingham	5.9		490	140	170
Rt. 126, N. Wain	Bellingham	9.0	340	10	120	70
Maple Street Bridge	Bellingham	129	70	<10	60	30
Shaw St. Bridge	Franklin	16.5	280	10	90	60
Populatic Pond Boat	Narfalk	19.9		30	40	
Launch						

Source: Charles River Watershed Association website

Compliance Consortium

Segmentation to Control for Background Suggests Tailored Interventions

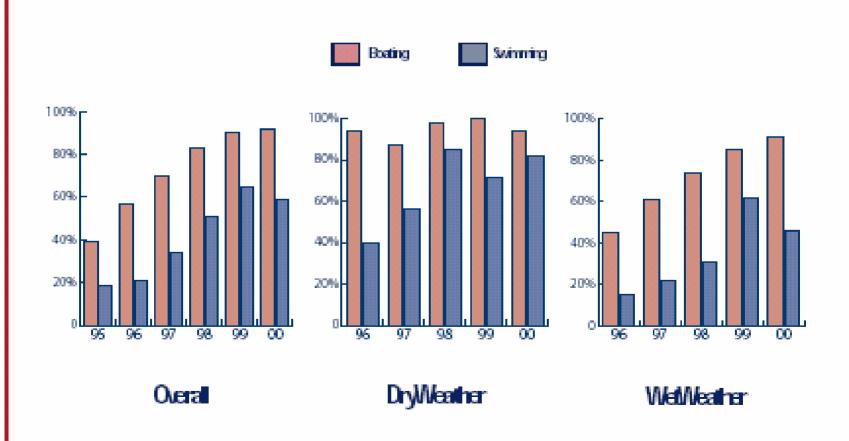
Charles River Bacteria Data - % of Time Water Quality Standards Attained

	1995	1996	1997	1998
Overall				
Boating	39	57	70	83
Swimming	19	21	34	51
Dry				
Boating		94	87	98
Swimming		40	56	85
Wet				
Boating		45	61	74
Swimming		15	22	31



OverviewofProgress

Charles River Bacteria Data Percentage Water Quality Standards Attained



Report Card 2005 Gosl



Town Grades

- Reward the best
- Motivate the back of the pack
- Change local dynamics

Flags at Boat Houses – Pt. of Use

- Blue safe
- Red unsafe



Measures: Multiple Uses and Users

- Monthly measures to <u>find problems</u> (patterns and unexpected)
- Measures to <u>find solutions</u>
- Segmented measures: tailor solutions
- Measures to motivate cf. goals, peers, past
- Measures to <u>inform choices</u>



Measurement Characteristics

- Frequent 37 monitors along 80 mile stretch of river
- Fresh posted within a week
- Credible generated by a third-party, checked by others' monitoring
- Readily available on Internet, at point of use



Interactive Examination of Lessons

- Public posting of measures
- Quarterly meetings with towns and others
- Interactive inquiry
- Avoiding the gotcha mentality



Enlist and Engage!

External to organization

- Clarify expectations,
- Enlist assistance and expertise,
- Shared objectives,
- Communicate with citizens,
- Motivate,
- Benchmark and learn.



Keys to Success

- Fresh and frequent measurement
- Analysis: find patterns and anomalies
- Meet with measures in hand to discuss and brainstorm.
- Slice it and dice it. Experiment. Learn.
- Agree on/set and stay focused on meeting the goal

Use it or Useless: Measurement helps you....

- Learn
 - Find Problems
 - Find Successes
- Motivate
- Assess Progress
- Inform Choices

